NATIONAL RECOVERY ADMINISTRATION

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

LUMBER AND TIMBER PRODUCTS INDUSTRY

AS APPROVED ON JULY 27, 1934

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Approved Code No. 9—Amendment No. 16

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

LUMBER AND TIMBER PRODUCTS INDUSTRY

As Approved on July 27, 1934

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE LUMBER AND TIMBER PRODUCTS INDUSTRY

An application having been duly made pursuant to and and in full compliance with provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to the Code of Fair Competition for the Lumber and Timber Products Industries, and an opportunity to file objections thereto having been given, and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, On behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order Number 6543–A, dated December 30, 1933, and otherwise, do hereby incorporate by reference, said annexed report and do find that said amendment and the Code as constituted, after being amended, comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby modified to include an approval of said Code in its entirety, as amended.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D.C.,
July 27, 1934.

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REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: Under the Code of Fair Competition for the Lumber and Timber Products Industries, as approved by you on August 19, 1933, the Lumber Code Authority has submitted its Amendment No. 70 which is included and attached.

Notice of Opportunity to File Objections to the Amendment was published on May 16, 1934, allowing a fifteen (15) day period in which interested parties might file their objections. I am informed by the Deputy Administrator that no objections were filed with him either during or subsequent to the period above mentioned.

The Amendment is in accordance with model code provisions for mandatory contributions and authorizes the Lumber Code Authority to conduct investigations and make reports to the Administrator, to incur reasonable obligations for administration of the Code and maintenance of the standards of fair competition established by the Code and to collect fees on an equitable basis of contribution for the support of the Lumber Code Authority.

The Deputy Administrator in his final report to me on said Amendment to said Code having found as herein set forth and on the basis of all the proceedings in this matter:

I find that:

(a) The Amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation subsection (a) of Section 3, subsection (a) of Section 7 and subsection (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid Amendment on behalf of the industry as a whole.

(d) The Amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The Amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Amendment.

For these reasons, therefore, I have approved this Amendment to the Code.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 27, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE LUMBER AND TIMBER PRODUCTS INDUSTRY

Amendment No. 70: Amend Article IV by substituting a period for the comma after the words " as the Authority may require ", and by striking therefrom the following:

"and each person subject to the jurisdiction of this Code and accepting the benefits of the activities of the Authority hereunder shall pay to the Authority his proportionate share of the amounts necessary to pay the cost of assembly, analysis and publication of such reports and data, and of the maintenance of the said Authority and its activities. Said proportionate share shall be based upon value of sales or footage of production, as the Authority may prescribe for each Division or Subdivision. The Authority may conduct such investigations as are necessary to discharge its duties hereunder."

Designate the first paragraph of Article IV as " Section (a)" and add to Section (a) the following sentence:

" To the extent permitted by the National Industrial Recovery Act and subject to such rules and regulations as may be prescribed by the Administrator, the Authority may conduct such investigations as may be necessary to discharge its duties under the Code."

Add the following as Sections (b) and (c):

(b) It being found necessary, in order to support the administration of this Code and to maintain the standards of fair competition established by this Code and to effectuate the policy of the Act, the Code Authority is authorized:

(1) To incur such reasonable obligations as are necessary and proper for the foregoing purposes and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

(2) To submit to the Administrator for his approval, subject to such notice and opportunity to be heard as he may deem necessary—

(a) an itemized budget of its estimated expenses for the foregoing purposes, and

(b) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the Industry, said basis to include the provision that Code fees may be assessed upon the value of sales, the footage of shipments, the footage of production, the footage of lumber and timber products consumed, or upon any other equitable manner which may be submitted by the Code Authority and approved by the Administrator;

(3) After budget and basis of contribution have been approved by the Administrator, to determine and secure equitable contribution as above set forth by all such members of the Industry, and to that end, if necessary, to institute legal proceedings therefor in its own name.

(c) Each member of the industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the Administrator. Only members of the industry complying with the Code and contributing to the expenses of its administration as hereinabove provided, unless duly exempted from making such contribution, shall be entitled to participate in the selection of members of the Code Authority or of any Division or Subdivision Agency, or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

(d) The Code Authority shall neither incur nor pay any obligation in excess of the amount thereof as estimated in its approved budget, except upon approval of the Administrator; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the Administrator shall have so approved.

Approved Code No. 9—Amendment No. 16.
Registry No. 313—1—06.

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